IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 19256 of 2004**

Between:

1 S.Sivasankar Reddy, S/o Late Veera Reddy,
R/o Rampathadu Village, Pendlimarri Mandal, Cuddapah District
2 P.Chandrasekhar Reddy, S/o Ramakrishna Reddy,
R/o Somavandla Palli Village, Chinthakomma Dinne Mandal,
Cuddapah District

**..... PETITIONERS**

AND

1 The Government of Andhra Pradesh rep. by its Principal Secretary,
Department of Home, Secretariat, Hyderabad
2 The Superintendent of Police, Cuddapah, Cuddapah District
3 The Circle Inspector of Police, Chinnachowk Police Station, Cuddapah Mandal, Cuddapah District
4 The Mandal Revenue Officer, Cuddapah Mandal, Cuddapah District
5 M. Anthony Reddy S/o Late Joji Reddy
R/o Aravinda Nagar, Cuddapah Town & District

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Officers of the 3rd respondent in interfering with peaceful possession and enjoyment of the petitioner over an extent of Ac. 1.27 cents in Sy. No. 2/1A of Putlampalli village, Cuddapah Mandal Cuddapah District basing on the certificate dated 03-10-2004 issued by the 4th respondent and at the instance of the 5th respondent as highly arbitrary, illegal, highhanded and violative of the fundamental rights guaranteed to us Under Articles 14,19 (1)(g) and 21 of the Constitution of India and consequently direct the 3rd respondent not to interfere with the peaceful possession and enjoyment of the

petitioners over an extent of Ac. 1.27 cents in Sy. NO. 2/1A of Putlampalli Village, Cuddapah Mandal Cuddapah District.

**Counsel for the Petitioners : MR. V.R.REDDY KOVVURI**

**Counsel for the Respondents 1 to 4: GP FOR HOME**

**Counsel for the 5th respondent : None appeared**

**The Court made the following :**

**THE HON'BLE MS. JUSTICE G.ROHINI**

**WRIT PETITIION NO.19256 OF 2004**

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**ORAL ORDER :**

This writ petition is filed seeking a Writ of Mandamus declaring the alleged action of the third respondent – Circle Inspector of Police, Chinnachowk Police Station, Kadapa Mandal and District in interfering with the peaceful possession and enjoyment of the petitioners in respect of Ac.1.27 cents of land situated in Sy.No.2/1A of Putlampalli village, Kadapa Mandal and District basing on the certificate dated 3-10-2004 issued by the fourth respondent – The Mandal Revenue Officer, Kadapa Mandal, Kadapa District at the instance of the fifth respondent as arbitrary and illegal.

The petitioners state that they have purchased the land in question under Registered Sale Deed dated 29-09-2003 and that from the date of their purchase they have been in possession and enjoyment of the said land. While so, the fourth respondent in collusion with fifth respondent issued a certificate dated 03-10-2004 stating that the sub-division of Sy.No.2/1 into Sy.Nos.2/1 and 2/1A is not

authenticated and basing on the said certificate and at the instance of the fifth respondent, officers of the third respondent are interfering with their peaceful possession and enjoyment. This writ petition is filed contending that the action of the respondents is arbitrary and illegal since they are lawful owners of the property in question and particularly since the certificate dated 03-10-2004 which was issued without notice to any one of the affected parties in active collusion with the fifth respondent is contrary to the statutory provisions and violative of the principles of natural justice.

On behalf of the respondents 1 to 3, a counter-affidavit has been filed by the 3rd respondent – Circle Inspector of Police, Chinnachowk Police Station, Kadapa Mandal and District denying all the allegations made by the petitioners and stating that the respondents 1 to 3 have nothing to do with the dispute which is purely of civil in nature between the petitioners and the fifth respondent. It is also stated that at no point of time the respondents 1 to 3 interfered with the land of the petitioners. They did not receive any complaint whatsoever with regard to the land in question. The allegation of the petitioners is that the officials of the third respondent have been high-handedly interfering with their possession has been categorically denied and it is stated that the writ petition is based on mere apprehensions.

It is also relevant to note that W.P.No.19255 of 2004 filed by the petitioners herein challenging the proceedings of the fourth respondent – Mandal Revenue Officer, Kadapa Mandal and District, dated 03-10-2004 has been disposed of by this Court by order dated 14-10-2004 making it clear that in the guise of the said certificate, dated 3-10-2004, the respondents 4 and 5 herein shall not transfer the mutation, which was already made in favour of the petitioners or interfere with their possession without following due procedure.

In the circumstances and particularly in view the averments in the counter-affidavit of the respondents 1 to 3 denying the alleged interference with the possession of the petitioners in respect of the land in question, no further adjudication is necessary in the writ petition.

Accordingly, recording the statement of the respondents 1 to 3 in their counter-affidavit, the Writ Petition is disposed of. No costs.

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11th November, 2004.

Note:- CC by 18/11/2004.

(B/O)

gbs

To

1 The Principal Secretary, Department of Home, Government of Andhra Pradesh, Secretariat, Hyderabad
2 The Superintendent of Police, Cuddapah, Cuddapah District
3 The Circle Inspector of Police, Chinnachowk Police Station, Cuddapah Mandal, Cuddapah District
4 The Mandal Revenue Officer, Cuddapah Mandal, Cuddapah District
**5.2CCs to G.P. for Home, High Court of AP Bldgs, Hyderabad (OUT).**

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